Supreme Court, U.S.
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In The

Supreme Court of the United States

October Term, 1995

JULIA McCAIN LAMPKIN ASAM, Ph.D., J.D.
Appellant/Petitioner

v,

ALABAMA STATE BAR
Appellee/Respondent

APPEAL OR ALTERNATIVE WRIT OF CERTIORARI
TO THE SUPREME COURT OF ALABAMA

JURISDICTION OR ALTERNATIVE PETITION
FOR WRIT OF CERTIORARI

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81pp + f/o

QUESTIONS PRESENTED

I Whether the State of Alabama through its Judicial department including the Supreme Court of Alabama and its agents, Honorable Justices, pull an unlawful judicial scam of removing official records from case 1940912, Asam v. Alabama State Bar, the Asam answer - 26 pages, timely filed, when the Justice Jones deems admitted the charges [material facts] after Justice Jones claimed he read the record and there was no Answer [p. 1421 of the record has a Respondent's Exhibits list that R-1 is the Answer by Asam showing Justices had constructive knowledge Answer filed by Asam]in a wrongful disbarment case and the Justice Jones ruled affirmed and others justices concurred [Hooper, C.J., and Maddox, Shores, Houston, Kennedy, Ingram, Cook, and Butts, JJ.] pretending no violation of due process when the removal of files to be considered by an appellate court is per se violation of substantive and procedural due process because of unlawful laundering of confidential files from case 1940912; therefore, the constitutional rights of substantive due process that was prompted by political, personal, and gender discriminatory motives and procedural due process is a violation under the 5th and 14th amendments to the U.S. Constitution, triggering the 42 U.S.C. section 1983 civil rights claims.

II. Whether the state of Alabama highest Court, the Supreme Court of Alabama, has violated the federal substantive due process and procedural

due process under the 5th and 14th Amendments to the U.S. Constitution, thus, triggering the violation of the civil rights of Dr. Asam by the final judgment and order of the Supreme Court of Alabama affirming the wrongful disbarment of Dr. Asam when the Supreme Court of Alabama did not do a proper review since the official record was altered by laundering out the Answer of Dr. Asam whose Answer was denying all charges and the Hon. Justice Jones claimed he read the record and there was no answer and deemed admitted the charges, and this UnAmerican justice by the Supreme Court of Alabama is inconsistent with the U.S. Constitution and federal statute 42 U.S.C. section 1983 civil rights of dr. Asam to have a fair and impartial review? [Record as R-1 of Answer is on p. 1421 of the index of Respondent's exhibits, not read by Hon. Justice],i.e. Whether the Supreme Court of Alabama was arbitrary, capricious and unreasonable in violation of the substantive due process and the procedural due process rights of Dr. Asam and state court is in direct conflict with the U.S. Constitution and federal statute, 42 U.S.C. section 1983 civil rights? i.e. Answer-26 pages, illegally removed from record Supreme Court of Alabama.

III. Whether a "surprise Sanity Hearing" was conducted by the Disciplinary Board of the Alabama State Bar, which in the State of Alabama is the "arm" of the Supreme Court of Alabama, and the State Supreme Court again violated the due process rights of Dr. Asam under the 5th and 14th

Amendments to the U.S. Constitution, and the federal statute 42 U.S.C. section 1983 civil rights because Dr. Asam at the "surprise Sanity hearing" had received NO NOTICE OF A SANITY HEARING and NO ATTORNEY WAS APPOINTED, and NO PROFESSIONAL M.D. EXPERT WAS PRESENT TO DECLARE that Dr. Julia Asam, B.S., M.S., Ph.D., J.D. was incompetent and mentally incapacitated, and the entire surprise Sanity Hearing was based on the politically motivated case, Asam v. Vreeland, which was about a "smear letter" which Vreeland had knowingly written false and disparaging remarks about Asam and Vreeland sent this libel letter to about 25,000 potential voters to obtain votes for her opponent, Judge Bernard Harwood. when Asam was the Democratic nominee and Harwood was the Republican nominee, and this lawyer's conspiracy to pretend Dr. Asam was 'crazy" was to put Asam out of business as a lawyer and to prevent her from running as a political candidate again when she was the first woman circuit judge candidate in Tuscaloosa County in 1992 and received over 15,000 votes, and the Supreme Court of Alabama in #II and IX [in opinion, dated February 23, 1996] affirmed Dr. Asam's wrongful disbarment when clearly it was shown by the witness, Brian Brinyark, who was only a clerk at the time of the hearing of the Asam v. Vreeland case to obtain attorney fees for the lawyer of this political case. Ellis in that case, and Asam objected to the hearsay that this witness Brinyark who was not seen at the hearing by Asam

but at the Disciplinary Board Hearing Brinyark Knowingly made false statements of hearsay about Asam to support the "surprise Sanity Hearing" that Dr. Asam was mentally incompetent; therefore, the Supreme Court of Alabama again acted arbitrary, capricious, and unreasonable and inconsistent with the federal due process under the U.S. Constitution and inconsistent with the federal statute, 42 U.S.C. section 1983 civilrights claims by affirming.

IV. Whether the state of Alabama highest Court, the Supreme Court of Alabama, has made additional procedural due process violations than stated above, under the 5th and 14th amendments to the U.S. Constitution, thus triggering the violation of civil rights of Dr. Asam by the General Counsel, Robert Norris [now resigned] failing to produce before the hearing the alleged original grievance complaints after Asam had personally drive to Montgomery, June 28, 1994, with a written lists and the secretary of Mr. Norris informed her she did nor need the list and would send the said original complaints but Mr. Norris in a letter dated June 30, 1994, refused to send any original grievances complaints to cover-up that the said five (5)formal charges had no relationship to the original complaints which was written in R-9 exhibit but the Alabama State Bar had these original grievances complaints through Ms. Devereauz produced on February 23, 1995, except 94-177 and part of 92-254 disappear out of the record of the Supreme Court of Alabama to

cover-up for Mr. Norris fraudulent formal complaints with charges which basically stated that Asam was incompetent and because she is incompetent this is misconduct for disbarment, and Asam did attempt to collect these original grievance complaints despite the twisted facts in the opinion by the Hon. Justice Jones, who failed to mention that Dr. Asam had written a Motion to Compel said documents before the hearing by the Disciplinary Board but was denied by Ms. Devereaux (2) Asam did not have the opportunity to confront all witnesses that gave information to the Alabama State Bar, in particular lawyers who were either opponents or were politically oriented to opponents to Asam's judgship campaigns, (3) failure of Norris and Devereaux to recuse themselves fromthe hearing of Disciplinary Board when both of them had been sued by Asam for unjudicial activity as stated in CV 94-T-859 N [95-6133 in U.S. Court of Appeals, 11th Circuit, and CV 95-406P in the Circuit Court of Montgomery County at the time of the hearing, and now is in the Alabmmma Court of Civil appeals, 11th Circuit, and it was error in procedural due process for Norris and Devereaux not to recuse themselves after Asam had already sued them (4) Ms. Devereaux made judicial procedural error in not allowing Dr. Asam to question Mr. Norris after it was found out after the discovery that was ordered that Mr. Norris, himself, was participatingwith evil-mindedlawyers to have Dr. Asam unlawfully disbarred, (5) Asam objected to

a member of the Disciplinary Board. as to bias of Mr. Baxley before the hearing.and (6) Asam who had been in an head-on accident was not allowed to continue the said hearing with medical excuses and was given a contingency type of proposed continuance that would have jeopardized her clients, and Asam incorporates the above #I and #II Questions Presented into this procedural violation of due process by the arm of the Supreme Court of Alabama, the Disciplinary Board of the Alabama State Bar, and the wrongfully affirming by the Supreme Court of Alabama who was further attempting to circumvent the law bydenying the Motion to Supplement the record and at that time, Asam did not know of the laundering out of her Answer by the Supreme Court of Alabama until the final opinion of the Supreme Court of Alabama, and (7) by the Alabama State Bar showing discrimination of Asam as to gender discrimination of 3 males on the Disciplinary Board, age discrimination, and discrimination of Asam because she ran as a woman circuit judge candidate and the Alabama State Bar zeroed in on Asam because she filed two political cases, Asam v. Harwood, and Asam v. Vreeland, showing the Alabama State Bar was infringing on the free speech of asam as shown by the entire wrongful disbarment was pretending Asam was incompetent was based on political motivation and evil-minded lawyers since no clients had filed any original complaints that Mr. Norris claimed he wrote 5

lawyers who were opponents' oriented to Asam's opponents in her judgship campaigns, and/or opposing lawyers.

VI. Whether the Alabama Supreme Court made an error as a matter of law since Asam came under Rule 30 of the Rules of Disciplinary of Procedure, 1994 Alabama Rules of the Court, since Asam was served in 1994, June 26, 1994, and the Alabama Supreme Court was trying to justify the breach of confidentiality on February 27, 1995, when Robert Norris faxed the Order of Disbarment to the Tuscaloosa News and violated the Rule 30 of the Rules of Disciplinary Procedure of the 1994 Rules of the Court thus, Mr. Norris gave the Order of Disbarment of Asam to the Tuscaloosa News before the appeal time passed and before the appeal was completed, jeopardizing clients' cases; i.e. did the Alabama State Bar through agent Norris violate the constitutional rights of Dr. Asam as to privacy and confidentiality until the judicial process of appeals was completed, and this procedure rule 30, was infringing on the constitutional rights of Dr. Asam to practice law until the appeal was completed and the Alabama Supreme Court has written an order after the opinion that Asam is disbarred, but this order is also an infringement upon Asam's constitutional rights since the appellate process is not over until the case has finished at the Supreme court of the United States.

formal complaints of alleged charges abusing the Professional rules of conduct and ethics, showing no relationship to original grievance complaints [found out at hearing when Norris was ordered by Ms. Devereaux to produce the original grievances complaints] and were laundered out by the Alabama State Bar as exhibits to R-9 [Record p. 1422 of Index of Respondent Exhibits] to cover-up for Mr. Norris' fraudulent formal charges abusingthe professional conduct code and ethics and Asam's Answer, timely filed, of 26 pages was "evaporated" from the official file of the Supreme Court of Alabama so that Asam did not receive a fair and proper review of her wrongful disbarment.

V. Whether the Alabama State Bar has infringed on Asam's right to free speech whenshe filed two political cases, Asam v. Harwood, and Asam v. Vreeland because the General Counsel, Robert Norris [now resigned] of the alabama State Bar fabricated Asam being prejudicial to the administration of justice, engaging in conduct that adversely reflected on her fitness to practice law, and filing an lawsuit to harass or maliciously injure another, when Asam was the 'victim' of harassment from Harwood and Vreeland, and Asam cannot find any place in the case law where the Alabama State Bar is suppose to police political cases, and in fact the entire disbarment was politically motivated, and the other cases of clients were added by evil-minded

LIST OF PARTIES

The caption of the case contains the names of all parties.

STATEMENT REGARDING ORAL ARGUMENT AND REQUEST TO WRITE MERITS' BRIEF

Because of the complexitities, irregularities and numerous judicial errors made in the lower court, oral argument is requested so that the Honorable Justices can understand and ask questions.

The Appellant/Petitioner respectfully requests to write the Merits' Brief.

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REASONS FOR GRANTING THE PETITION

I. Whether Per Se violations by the state of Alabama, Judicial Department through the Supreme Court of Alabama, and the Alabama State Bar showing pattern of substantive due process and procedural due process violations as stated in Petition against Petitioner?

II. Whether the Alabama State Bar violated the first amendment to U.S. Constitution as to speech as stated in Petition?

III. Whether the Alabama State Bar violated own procedural Rule 30, when the year was 1994 and not 1995 Rules of the Court, Disciplinary Procedure Rule which is unconstitutional as to Dr. Asam.

CONCLUSION 30

APPENDIX

APPENDIX A Supreme Court of Alabama Opinion 1940912, February 23, 1996. A1

APPENDIX B Memorandum November 3, 1995. Supreme Court of Alabama. A34

APPENDIX C Order Supreme Court of Alabama, March 28, 1996. A34

APPENDIX D Order Albama State Bar Disciplinary Board February 27, 1995. A35

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OPINIONS BELOW

The Petitioner incorporates all statements which are stated in the Appendix as Opinions Below into this Writ of Certiorari.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. Section 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The United States Constitution provides in pertinent part:

AMENDMENT V

"No person shall ... be deprived of life, liberty, or property, without due process of law; ...

AMENDMENT XIV, SECTION 1

"All person born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

FEDERAL STATUTES

42 U.S.C Section 1983

"Every person who, under color of any statue, ordinance, regulation, custom, usage, or any State or Territory, subjects, or causes to be subjected, any citizen of the United States or

other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities accured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

28 U.S.C. Section 1343(3)

"3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, or any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

28 U.S.C. Section 2106

"The Supreme Court of any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of court lawfully brought before it for review, and many remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

AMENDMENT I

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

STATEMENT OF THE CASE

I. THE FACTUAL BACKGROUND

This case is about the constitutional and civil rights violations and unlawful acts by the State of Alabama through its agents in the highest state Court, the Supreme Court of Alabama where the official record, the Answer timely filed by Asam in response to 5 formal complaints with charges without probable cause was laundered out of the official court record, and the Hon. Justice Jones stated he read the record and there was no answer and cited law deeming admitted the said charges which Dr. Asam in her Answer had denied all charges. In fact, there is a pattern of "cover-up" by agents from the Judicial Department. Besides the highest Court, the Supreme Court of Alabama "evaporating" official records of the Court in 1940912 [Asam v. Alabama State Bar], other records never reached the Supreme Court of Alabama since the Alabama State Bar failed to send said documents that were exhibits at the Disciplinary Board hearing in particular, the exhibits [original grievances attached to R-9 listed in index of record on p. 1422 of record and R-9 was an affidavit by Dr. Asam filed in the Disciplinary Board hearing February 24, 1995 and these documents were requested in a Motion to Supplement the record which was denied as seen in the Opinion of the Supreme Court of Alabama in Appendix A - near end of opinion. In the State of Alabama State Bar is

considered an arm of the Supreme Court of Alabama; see Worley v. Alabama State Bar, 572 So. 2d 1239, 1242, (Ala. 1990).

The wrongful disbarment of Dr. Asam was prompted by political vendetta. personal vendetta of lawyers that were politically oriented to political opponents of Dr. Asam, lawyers who were opposing lawyers of Dr. Asam, and politically opponents sending disparaging statements about Dr. Asam for political gain [Judge J. England]. These evil-minded lawyers were all males and clearly were involved in conspiracy with the General Counsel of the Alabama State Bar, Robert W. Norris. who abused the Professional Code of conduct and ethics and Norris wrote five (5) formal complaints with charges which basically summed up that Asam was incompetent and incompetence is misconduct to be disbarred. Norris resigned from the Alabama State Bar but before he resigned he was the Prosecutor at the Disciplinary Board hearing on February 23, 24, 1995 and would not recuse himself at this Disciplinary hearing when Norris was personally and official sued in case CV 94 T 859 N (now 95-8133 in the U.S. Court of Appeals, Eleventh Circuit) since Norris actively himself which is stated in a letter signed Norris was actively working with other lawyers to devastate the law practice of Dr. Asam.

The facts in this case are convoluted and the Supreme Court of Alabama does not have all

the facts straight; however, in this Honorable Supreme Court of the United States, Dr. Asam will discuss facts concerning the Judicial Scam of the Judicial Department of the State of Alabama in violating the substantive due process and procedural due process in violating Dr. Asam's 5th and 14th amendments to the U.S. Constitution in triggering the 42 U.S.C. Section 1983 civil rights that were also violated by the State of Alabama through its agents in the Alabama State Bar and the Supreme Court of Alabama, including all justices that signed as concurring in the Opinion of the Supreme Court of Alabama, written by Justice Richard Jones on February 23, 1996, after granting Application for Rehearing. The other justices who concurred with the Opinion were Hooper, C.J, and Maddox, Shores, Houston, Kennedy, Ingram, Cook, and Butts, JJ. Clearly, it was unlawful for Dr. Asam's Answer - 26 pages to be altered from the official record which not only denied all the charges but explained how the formal complaints by Norris could not be related to original grievance complaints and also showed that Dr. Asam was not mentally incapacitated as the Alabama State Bar pretended at the Disciplinary Board order on February 27, 1995 made the statement that Dr. Asam would have to see a medical expert which specifically states:

"(2) Shall submit to an examination by a qualified medical expert, as the Disciplinary Board shall designate, to inquire into and report

to the Disciplinary Board the mental competency of the respondent. The medical expert shall report his or her findings to the Disciplinary Board. The respondent shall bear the cost of the examination."

The Alabama State Bar Disciplinary Board through its agents, Robert Norris, and Wanda Devereaux who was Chairman of the Disciplinary Board clearly violated Dr. Asam's rights to due process by conducting a "surprise Sanity Hearing" without notice of a Sanity Hearing, wihtout appointing an attorney for Dr. Asam when the Alabama State Bar was pretending Dr. Asam was incompetent and wihtout the Alabama State Bar having a medical expert to declare Dr. Asam mentally incompetent disbarred Dr. Asam by abusing the professional conduct rules which Dr. Asam never violated when all this persecution of Dr. Asam started because Dr. Asam was the first woman circuit judge candidate in Tuscaloosa County, Alabama in 1992 and she was the Democratic Nominee and Judge Bernard Harwood was the Republican Nominee and Asam received over 15.000 votes. Russel Jackson (Jack) Drake, one of the evil-minded lawyers who offered Dr. Asam a bribe to drop out of the political campaign in 1992 and Asam sued Drake for his involvement in the Asam v. Vreeland political "smear letter" case was one of the lawyers who had a political motive to have Dr. Asam disbarred and Drake wrote disparaging remarks to Robert Norris, and Drake showed up with disparaging remarks about Asam as

a witness at the Disciplinary Hearing clearly showing that politics was a motive to have Asam disbarred because she was a woman political candidate in 1991 and 1994 and Drake and other male lawyers wanted Asam out of business as a lawyer and candidate

Also, at the Disciplinary Hearing a Brian Brinyark was a witness testifying by hearsay [Asam objected] that Asam was incompetent and stating what a lawyer in the Asam v. Vreeland case was stating because David Ellis was attempting to obtain excessive attorney fees from Judge John England who was the political opponent for the same judgship in 1994 with Asam, and Ellis and England were campaigning early in November 1993. Further, it was questionable if Brinyark, a clerk at that time and not a lawyer was even present at this hearing since Asam did not see Brinyark at the hearing. The fact that the Alabama State Bar had a layman testifying what another lawyer had said [hearsay] that Asam was incompetent is proof that the Alabama State Bar Disciplinary Board was conducting a "surprise Sanity Hearing", and when the above quote which was written in the Order by the Disciplinary Board was written February 27, 1995.

The point is Asam was never personally served with notice of the hearing February 23, 1995 and never received any notice herself or through an agent that the said February 23, 1995, Disciplinary Board Hearing of the Alabama State

Bar was to be a "SURPRISE Sanity Hearing" clearly a per se violation of the due process rights of Dr. Asam under the 5th and 14th amendments to the U.S. Constitution, triggering the 42 U.S.C. Section 1983 civil rights violations by the State of Alabama agents in the Judicial Department, the arm of the Supreme Court, Alabama State Bar Disciplinary Board with agents Norris and Devereaux acting under color of state law.

Robert Norris former General Counsel of the Alabama State Bar wrote the 5 fraudulent formal complaints since not based on the original grievance complaints and had two political cases concerning the Asam v. Harwood political campaign for the same judgship and including the Asam v. Harwood lawsuit since Harwood after notice was making Bald face lies that he was the "only" qualified candidate, and Asam v. Vreeland political case which was based on a "smear letter" that Vreeland sent out to approximately 25,000 potential voters claiming that Asam was "completely and hopelessly unqualified" among other disparaging false statements. Richard Gill, attorney for Harwood in the Asam v. Harwood case changed the quote of Vreeland to "incompetent" instead of "unqualified" and published the false quote in the Appellee brief of Gill to the U.S. Court of Appeals, Eleventh Circuit. Gill is sued in the gender discrimination case, 95-6133, now in the U.S. Court of Appeals, Eleventh Circuit. Gill is also the lawyer responsible for the 94-177 which Asam has never seen and has been

charged with a phantom charge of which Asam does not yet know since the Alabama State Bar and the Supreme Court of Alabama by denying the Motion to Supplement the record are "covering-up" what Gill has told the Alabama State Bar to have Dr. Asam disbarred. Asam is supposed to have received this original alleged grievance by Gill in order to have defended 94-177 for which she is charged and has never received the original complaint showing what she was charged with and is another violation of the due process rights of Dr. Asam by the Alabama State Bar.

The point is the Alabama State Bar is trying to cover-up that the disbarment of Dr. Asam is political by adding three clients cases which was not reported by clients but by lawyers. The Stokes case was reported by opposing lawyer Robert Blair who was representing a client by the name of Norris [note same last name as Robert Norris, former General Counsel of the Alabama State Bar]. Robert Blair also reported the Williams case about a wreck on the highway that made Williams a paraplegic. The opposing lawyer in the Stokes case was the one who reported the Waters case in which he was opposing lawyer for one of the Waters case. A lawyer should not be disbarred for losing a case especially since most of the courts trial and appellate courts are ruling for the establishment right or wrong. Basically, the Alabama State Bar was discussing the three clients cases going up and down the courts as a "smoke-screen" to cover up the political motivation of Norris formerally of the

Alabama State Bar and his lawyer friends Gill, Drake, Ellis, et al. There is no doubt about it that Asam was disbarred because she was a woman running as a political candidate for circuit judge. Asam has been made aware that the Alabama State Bar is attempting to disbar another woman former candidate for judge in Alabama.

Before the Disciplinary Board hearing of the Alabama State Bar, Dr. Asam went in person to Mr. Norris office at the Alabama State Bar in Montgomery, Alabama June 28, 1994, to obtain the original grievance complaints and presented to the secretary of Mr. Norris a written list of the numbers of each original complaint. The secretary claimed she knew the numbers and gave the written copy back to Asam, and said she would mail the said complaints. However, Asam received a letter from Robert Norris, Alabama State Bar General Counsel at the time, that he refused to send the original complaints dated June 30, 1994. Asam wrote a Motion to compel the production of the original grievance complaints before the February 23, 1995, Disciplinary Board Hearing which was denied by Devereaux. The Disciplinary Board in the record pretended that Dr. Asam had not properly tried to obtain discovery which was false and is clearly another part of the pattern of the Alabama State Bar to cover up the truth and clearly a violation of Dr. Asam's due process rights to know what she is charged with before the hearing so that she can properly defend. On Feb. 23, 1995, Ms. Devereaux at the hearing did order Norris to produce these said original

complaints. But Norris did not ever produce original complaint by Gill 94-177 about the Asam v. Harwood political case but the Asam v. Harwood case was one of the political cases in which Asam was disbarred.

Asam is stating that the Alabama State Bar through agent Norris failed to meet the due process requirement as cited by Hon. Justice Jones in Board of Comm'rs of the Alabama State Bar v. Tarver, 293 Ala. 343, 302 So. 2d 856 (1974) because Norris wrote 5 fraudulent formal charges which were not related to the original grievance complaints which Norris refused to produce to Asam before the hearing of the Disciplinary Board and when Norris was ordered to produce said original complaints and Asam wrote R-9 an affidavit attaching the said original grievance complaints, the exhibits to R-9, the original grievance complaints disappeared out of the record to the Supreme Court of Alabama which would shown to the Justices that Norris had written fraudulent charges and abused the Professional conduct code and ethics. The Motion to Supplement the record was requesting the Honorable Supreme Court of Alabama to accept this documents back into the record but was denied. Plus the fact, as mentioned above the Supreme Court of Alabama [has to be inside removal from Court file since no outsider would have access to a confidential file] mutilated the official record by removal and laundering out of the record the Answer 26-pages by Asam which would

have showed Asam was not mentally incapacitated and that Norris was writing formal complaints that were a figment of his imagination because of his political friends wanted Asam out of business as a lawyer and future candidate since she might win next time.

Asam had a right to file two political lawsuits since her opponents are not above the law that they can completely assassinate a political opponent and remove her signs and put signs in the same place as her signs and make completely false statements to persecute her and prevent votes with foul play. It is noted that the Honorable Chief Justice Hooper of the Supreme Court of Alabama was involved in a political lawsuit or he would not be the Chief Justice and his name is on the February 23, 1996 Opinion. Asam's rights to free speech and filing lawsuits to state her side of the false statements for example made by Vreeland, a front lawyer, for the evil-minded lawyers in conspiracy who acted together to have Dr. Asam defrauded of her right to practice law. It is a violation of the substantive due process rights of Dr. Asam when a state, Alabama State Bar, is prompted by politica., personal or discriminatory motives [all males attacking a female candidate for judge by writing the Alabama State Bar to have her disbarred] See Midnight Sessions, Ltd. v. City of Philadelphia, 945 F 2d 667, 683 (3rd Cir.) cert. denied, 112 S,Ct 1668 (1992); Bello v, Walker, 840 F 2d 1124 (3rd Cir.), cert. denied, 488 U.S. 851, cert denied, 488 U.S. 868 (1988). Marks v.

City of Chesapeake, 883 F 2d 308,322 (4th Cir. 1989).

Asam incorporates all facts stated in the Questions Presented to make them understandable into this Facts section as if re-written.

An opposing lawyer who Asam also sued for his participation in the Vreeland political smear letter case, was a member of the Phelps, Owens, and Jenkins law firm [John Owens is now president of the Alabama State Bar] wrote two letters to have Asam disbarred and Jenkins claimed the Vreeland case was frivolous based on "street talk" from other lawyers and Jenkins admitted he did not read the case. Asam won a case when Jenkins was opposing lawyer, Keilman v. DCH after the jury was struck Jenkins settled in the malpractice case.

Charles Malone, a lawyer was retaliating to have Asam disbarred and Malone was participating in the Vreeland case, and Asam sued him and Asam had sued Malone years before for blocking the zoning that was grandfathered in so that Asam could not practice at that address in Tuscaloosa, and Malone was "sour grapes" with personal and political oriented to Harwood, political opponent of Asam and Malone wanted Asam disbarred to defraud Asam of right to practice law and be a candidate.

NO CLIENTS WROTE ANY GRIEVANCE COMPLAINTS FOR WHICH DR. ASAM WAS DISBARRED.

Twisted injustice and UnAmerican justice have been demonstrated by the State of Alabama

through its Judicial Department, the Alabama State Bar and its Disciplinary Board when the Alabama State Bar is the arm of the Supreme Court of Alabama, and its agents, and the Supreme Court of Alabama because the Asam case became so controversial that someone altered the official record of the Supreme Court of Alabama by removal and cover-up of the Answer 26-pages timely filed by Asam in response to Norris's 5 fraudulent formal charges. Then as seen in the opinion in Appendix A p. A that the Hon. Justice Jones was deeming admitted the charges against Asam by stating he had read the record and there was no answer which clearly is not the case as is demonstrated on p. 1421 of the record of the Supreme Court of Alabama is a Index to the Respondent's exhibits clearly showing that R-1 was the Answer which states,

"R-1 Asam's answer to summons and five complaints

and "R-2 Collective packet of Asam exhibits in response to charges" and therefore, the Hon. Justice Jones had constructive notice of the Answer by Asam since the Index of Exhibits entitled "Respondent's Exhibits" is clearly stated on p. 1421 of the record. Whoever removed the Answer failed to alter the index of the "Respondent's Exhibits". There is no doubt about it a document, the Answer 26-pages in the instant case comes under the category of material fact essential to the final disposition of the case was illegally removed by the Supreme Court of Alabama, and the actual agent of the state

performing this illegal act is not known at this time but had to be an inside removal since the records at that time were considered confidential and limited access to the records. Dr. Asam certainly did not receive a fair and impartial review of her wrongful disbarment when essential material documents concerning the material facts in the case were unlawfully removed from the official record of the Supreme Court of Alabama.

A new lawsuit was filed in the federal court in Birmingham CV 96 N(C) 589 W, Asam v. Owens et al. including suing the Supreme Court of Alabama for laundering out official court files from the record of 1940912, Asam v. Alabama State Bar. Especially, the Amendment to Complaint has the complete Answer with 26-pages since Asam bought a duplicate file of the Supreme Court of Alabama.

II. PROCEEDINGS IN THE COURTS BELOW

The Opinion by Hon. Justice Richard Jones was written February 23, 1996, after granting the Application for Rehearing which had been timely filed. [Appendix A]. Hon. Justice Jones withdrew the Memorandum released on November 3, 1995 which percuriam, affirmed, no opinion. [Appendix B].

On March 28, 1996 Order was written by Hooper,C.J., and Maddox, Shores, Houston, Kennedy, Ingram, Cook, and Butts, JJ. Justices of the Supreme Court of Alabama disbarring Julia McCain Lampkin Asam. Asam is appealing or Writ of Certiorari of all orders and opinions or memorandums from the Supreme Court of Alabama which are affirming the disbarment of the Alabama

State Bar Disciplinary Board. See Appendix C for order dated March 28, 1996 and witnessed by the Clerk, Supreme Court of Alabama March 29, 1996.

Department Board hearing of the Alabama State Bar was held February 23, 24, 1995, and the Order of Disbarment is in Appendix D.

REASONS FOR GRANTING THE PETITION

I.-IV. FEDERAL SUBSTANTIVE AND PROCEDURAL CONSTITUTIONAL VIOLATIONS BY STATE OF ALABAMA

THIS HONORABLE COURT SHOULD DECLARE THAT IT IS A PER SE VIOLATION OF FEDERAL SUBSTANTIVE DUE PROCESS FOR A STATE THROUGH ITS AGENTS IN JUDICIAL DEPARTMENT, THE HIGHEST STATE COURT, THE SUPREME COURT OF ALABAMA TO MUTILATE AND REMOVE OFFICIAL CONFIDENTIAL RECORDS OF CASE FILE 1940912 [Asam v. Alabama State Bar] DR. ASAM'S ANSWER [26-PAGES] AND THEN JUSTICE JONES CLAIMS HE READ THE RECORD AND NO ANSWER [which is also listed in Respondents Exhibits as R-1, (record p. 1421) - Asam was Respondent at Alabama State Bar)] and JUSTICE JONES DEEMED ADMITTED A in Appendix A CHARGES AGAINST DR. ASAM SINCE JUSTICE CLAIMED NO ANSWER WHEN ANSWER WAS "EVAPORATED" FROM THE SUPREME COURT OF ALABAMA.

THIS ILLEGAL LAUNDERING OUT BY THE SUPREME COURT OF ALABAMA WAS TO "COVER-UP" and save the Image of Alabama State Bar, arm of Supreme Court of Alabama [See Worley case supra] because the Answer of Asam was timely filed on July 20,

1994. clearly showed that Dr. Asam was not mentally incapacitated, and clearly showed that the General Counsel of Alabama State Bar, Robert W. Norris [now resigned] was fraudulently writing his 5 alleged formal charges claiming Asam was incompetent and because incompetent was misconduct to be disbarred by Noris abusing his office and pretending Dr. Asam violated a long list of charges of alleged violations of professional conduct which never happened and which were a figment of the imagination of Norris formerly of Alabama State Bar . Further due to a letter that mixed-in with the production Norris was ordered to produce by Ms. Devereaux, Chairman of the Disciplinary Board and letter was before any charges made against Asa, the letter showed that Norris, himself, was involved in the conspiracy to discriminate against Asam as a lawyer.

In a letter dated April 18, 1994, Norris wrote in his letter,
"I should caution you that this inquiry is confidential including our intent to file a petition to place Ms. Asam on disability inactive status."

All of Norris' formal charges were prompted by potential personal and gender discriminatory motives since Norris was a friend of Richard Gill who was the one who reported 94-177 which Asam has never seen and Gill was the lawyer for Judge Bernard Hardwood in the case Asam v. Harwood which was filed because Harwood was using foul play by claiming he was the "only" qualified

candidate when Asam was the Democratic Nominee and Harwood was the Republican Nominee for the same judgship in 1992 when Dr. Asam was the first woman to be a circuit judge candidate in Tuscaloosa County, Alabama. Two of the cases were political cases that the Alabama State Bar used against Asam, Asam v. Harwood, and Asam v. Vreeland, about a "smear letter" falsely and knowingly claiming that Dr. Asam was "completely and hopelessly unqualified". Richard Gill changed the word "unqualified" to "incompetent" and published the "incompetent" altered quote to the U.S. Court of Appeal, Eleventh Circuit, in his Appellee Brief for the Asam v. Harwood case.

The other three cases for disbarment were client's cases and were just a "smoke-screen" to cover the political motive for disbarring Dr. Asam. No clients made any complaint about the three cases which the Alabama State Bar was just showing how the cases were going through the courts and the Alabama State Bar twisted the true facts. The original grievance complaints were reported by evil-minded laywers in a conspiracy to defraud Asam as a lawyer and included Robert W. Norris as seen the above quote. The bottom line is Dr. Asam has been wrongfully disbarred by the activities of the agents of the State of Alabama in the Judicial Department, including the highest state court, The Supreme Court of Alabama and the Alabama State who acted in an unconstitutional manner as described in this brief. [Law presented below].

The State of Alabama, Judicial Department. The Supreme Court of Alabama, and the arm of the Supreme Court of Alabama, Alabama State Bar and Disciplinary Board, Alabama State Bar were unconstitutional in denying substantive due process and procedural process in the 5th and 14th amendments to the U.S. Constitution by trying to cover-up the true facts in removing in the Supreme Court of Alabama the Answer 26-pages by Asam and then the Justice after this political and judicial scam was deeming admitted the charges against Dr. Asam who denied all charges as seen in her timely filed Answer, and the Alabama State Bar through its agents, Robert Norris and Wanda Devereaux, chairman of the Disciplinary Board of Alabama State Bar made numerous procedural violations from failing to produce original documents before the Disciplinary Board hearing to conducting a "surprise Sanity Hearing".

Questions Presented I - IV will be discussed first in this section and the Questions Presented I - IV are incorporated into this Reasons for Granting Petition as if re-written as well as all statements on due process and all law presented above are incorporated as if re-written in this part of Petition.

See Jones v. Alabama State Docks, 443 So. 2d 902 at 903 (Ala. 1983), which states,

"Due process clause of state Constitution secures every citizen against arbitrary motion of action of those in authority and places him or her

within protection of the law of the land. Const. Section 13.

See Velger v. Cawley, 525 F. 2d 334 (2nd Cir.(1975) on due process.

SeeMcClaryv. State, 429 So. 2d 1121. cert denied 104 S. Ct. 273, 464 U.S. 913, 78 L. Ed. 2d (1982), which held that although state may create strict liability offenses, power to do sois limited by constitutional command that no person can be deprived of life, liberty or property except by due process of law.

See U.S. v. Welden, 568 F. Supp. 516, affirmed in part, reversed in part, U.S. Satterfield, 743 F. 2d 827, on remand, U.S. Allison, 599 Supp. 958, cert. denied 105 S. Ct. 2362, three cases, 471 U.S. 1117, 86 L. Ed 2d 262, which held to meet requirements of "due process" and "equal protection" a statute must not subject an individual to arbitrary or uneven exercise of power, and further stated that Test of "due process" is essentially a test of fairness and reasonableness; furthermore, there must always be ascertainable standards.

Walker v. Bates, 23 F. 3d 652 (C.A.2 (N.Y.)1994 held once cause of action for constitutional violation accrues, nothing that state does subsequently can cut off section 1083 action. 42 U.S.C.A. section 1983.

Certainly, it is per se substantive due process violation to unlawfully remove official records from the highest court of the state, the Supreme Court of Alabama since confidential files an inside removal by Court, as well as violation

of Dr. Asam's procedural due process under the 5th and 14th amendments to the U.S. Constitution and such removal of documents was prompted by political, personal or discriminatory motives of lawyers and the General Counsel, Robert Norris, of the Alabama State Bar, proven by one of his own letters he was working with lawyers to put Dr. Asam out of business as a lawyer. See Midnight Sessions, Ltd. v. City of Philadelphia, 945 D. 2d 667, 683 (3rd Cir.), cert denied, 112 S. Ct. 1668 (1991); Bello v. Walker, 840 F. 2d 1124 (3rd Cir.), cert denied, 488 U.S. 851, cert. denied, 488 U.S. 868 (1988);Marks v. City of Chesapeake, 883 F. 2d 308, 311 (4th Cir. 1989).

Violation of the State of Alabama through the Judicial Department, the Supreme Court of Alabama and its agents, Honorable Justices, and the Alabama State Bar agents especially Robert W. Norris, General Counsel, now resigned, and Wanda Devereaux, Chairman of Disciplinary board of the Alabama State Bar of the constitutional rights of Dr. Asam to have substantive due process and procedural due process triggers the civil rights violations under 42 U.S.C. section 1983. The Alabama State Bar cannot pretend Dr. Asam is incompetent and mentally incapacitated and "crazy" without having a medical expert M.D. to declare Dr. Asam incompetent and the Alabama State bar was conducting a "surprise Sanity Hearing" without a M.D. medical expert and without the Alabama State Bar appointing an attorney when conducting a "surprise Sanity Hearing" and certainly there is no due process

when the Alabama State Bar failed to give any notice of a "surprise Sanity Hearing" at the Disciplinary Board hearing February 23,24, 1995. This wrongful disbarment of Dr. Asam for political motives is due to be reversed by this Honorable Supreme Court of the United States because of all the violations by the State of Alabama, Judicial Department, Supreme Court of Alabama, and Alabama State Bar and the Disciplinary Board of the Alabama State Bar and their agents. The Alabama State Bar was pretending Dr. Asam was "crazy" to cover-up the fact that Dr. Asam knows about corruption in the judicial system of the State of Alabama. See quote above that Dr. Asam has to see a medical expert to declare her mentally competent before reinstatement which in the case of disbarment is 5 years from disbarment and Asam is also being age discriminated against since Asam will be 69 years old in 5 years from date of disbarment which was February 27, 1995.

This petition is written as a Jurisdictional statement or in the alternative writ of ceriorari i.e. an appeal or Writ. Under 28 U.S.C. section 2106, The Supreme Court of any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment decree, or order of court lawfully brought before it for review, and may remand the cause and direct th entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

Dr. Asam's civil rights have been violated

by the State of Alabama through its Judicial Department, Supreme Court of Alabama, Alabama State Bar, and Disciplinary Board of the State of Alabama and named agents in this Petition.

See Federal Statutes 42 U.S.C. section 1983. "Every person who, under color of any statute, ordinance, regulation, custom, usage, or any state or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities accured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

See Book Section 1983 Litigation: Claims, Defenses, fees, M.A. Schwartz, John E. Kirklin, John Wiley & Sons, 1986 on p. 101, states, "Section 5.9 Tests to Determine State Action -- In general... The Court did state that,to find state action, two general requirements must be fulfilled. First, "the deprivation must be caused by the exercise of some right or privilege created by the state or by a person for whom the state is responsible. [See Lugar v. Edmondson Oil Co., 457 U.S. 922, 937, (1982).] Second, the defendant "must fairly be said to be a state actor. [See Lugar case]. "See Monroe v. Pape, 365 U.S. 267, 272 (1961 "The Two principles "collapse into each other when the claim of a constitutional deprivation is directed against a party whose official character is such as to lend

the weight of the state to his decisions.

Agents of Alabama State Bar and Supreme Court of Alabama are state actors.

Isajewicz v. Bucks County Dept. of Communications, 851 F. Supp. 161, E.D. Pa 1994 held in order to succeed in section 1983 action, plaintiff must prove that conduct complained of was committed by person acting under color of state law and that conduct deprived plaintiff of right or privilege secured by Constitution or law of United States. 42 U.S.C.A. section 1983.

Carper v. Deland, 851 F. Supp. 1506, D. Utah 1994, held in order to prevail on section 1983 claims, plaintiff must show that defendant personally participated in alleged deprivation of protected rights.

Willington v. District of Columbia, 851 Supp. 1. D.D.C. 1994 held District of Columbia and its officials sued in their official capacities were "persons for purposes of section 1983. 42 U.S.C.A. section 1983.

Waltier v. New York Police Dept., 856 F. Supp. 196, S.D.N.Y., 1994, held under section 1983, plaintiffs are not required to exhaust administrative remedies. 42 U.S.C.A. section 1983.

Novak v. Cobb County-Knnedone Hospital Authority, 849 F. Supp. 1559, N.D. Ga 1994, held State court judge is state actor for purposes of federal civil rights statute. 42 U.S.C.A. section 1983.

Carroll v. Borough of State College, 854 F. Supp. 1184, M.D. Pa, 1994. To prevail on cause of

action under section 1993, plaintiff must prove that conduct of state actor deprived plaintiff of right, privilege, or immunity secured by federal constitution of law.

Julian v. New York City Transit Authority, 857 F. Supp. 242, E.D.N.Y. 1994. Section 1983 does not, in itself create substantive rights; to prevail, plaintiff must demonstrate violation of independent federal constitutional or statutory right. 42 U.S.C.A. section 1983.

See Paul v. Davis, 424 U.S. 645, 96 S Ct 1154, 47 L Ed 366 (1976), held the civil rights act of 1871 (42 U.S.C.A.. section 1983) does not create substantive rights, but provides express federal remedy against state officials for deprivation of rights established elsewhere in federal law. See Samuels v. District of Columbia, 770 F. 2d 184, C.A.D.C., 1983.

See Monell v. New York City Dept. of Soc. Serv., 436 U.S. 68, 56 L. Ed 2d 611, 98 S Ct 2018, which states,

Civil Rights section 12.5 -- liability for violations -- State-law immunities 11a, 11b. State

law immunities do not override cause of action under 42 U.S.C.S section 1983, which imposes civilliability on any person who deprives another of his federally protected rights."

This case of wrongful disbarment should be reversed.

See DeStafney v. University of Alabama, 413 So. 2d 391 (Ala. 1981), at 395, which states, "Section 14 does not necessarily immunize State

officers or agents from individual civil liability."

DeStafney case at p. 396 states,

...we find that no valid public policy will be served by immunizing from liability a public employee whose tortious conduct results in personal injury to another."

Constitutional violations of due process is an exception to immunity alleged by state officials. See Lesiter v. Alabama A&M University, 28 F. 3d 1146 (11th Cir. 1994).

QUESTIONS PRESENTED # V.

ALABAMA STATE BAR HAS INFRINGED ON ASAM'S RIGHT TO FREE SPEECH WHEN SHE FILED TWO POLITICAL CASES BECAUSE OF LIBEL BASED ON FALSE STATEMENTS BY HARWOOD AND VREELAND IN CASES Asam v. Harwood and Asam v. Vreeland because the General Counsel. Robert W. Norris [now resigned] of the Alabama State Bar fabricated Asam being prejudicial to the administration of justice, engaging in conduct that adversely reflected on her fitness to practice law, and filing an lawsuit to harass or maliciously injure another, when Dr. Asam was the 'VICTIM' OF HARASSMENT FROM HARWOOD AND VREELAND.

See New York Times v. Sullivan 273 Ala. 656, 144 So. 2d 25 (1961), 376 U. S. 254 (1964) because Asam at the time of being a candidate for circuit judge was considered a public figure and her opponent was making false statements after notice to cease that Harwood was publishing in

the media that he was the "only" qualified candidate for circuit judge when Asam was the Democratic nominee and Harwood was the Republican nominee in the 1992 judgship campaign of Asam v. Harwood.

Asam had a right to sue Al Vreeland for writing a smear letter pretending Dr. Asam was "completely and hopelessly unqualified" and Vreeland published to over 25.000 potential voters. But this is not all. Richard Gill changed the quote from "unqualified" to "incompetent" and published this altered "smear quote" from Vreeland in the U.S. Court of Appeals. Eleventh Circuit in the Asam v. Harwood case. The Alabama State Bar did not have a right to disbar Dr. Asam for filing pro se lawsuits. These two political cases, Asam v. Harwood and Asam v. Vreeland is the real reason Dr. Asam is disbarred with the help of evil-minded lawyers named in this Petition and their friend lawyers including John Owens. President of the Alabama State Bar, who represented David Ellis, now deceased lawyer, who was the lawyer for Al Vreeland, and David Ellis in his greed to obtain excessive attorney fees was saying at the end of the Asam v. Vreeland case that Dr. Asam needed a guardian ad litem etc. when Ellis knew the press was present. Asam sued Ellis in Asam v. Ellis and Owens his lawyer held a secret hearing with the judge to have the case disposed of by summary judgment. Because Ellis died, Asam did not appeal the libel case which precipitated the disbarment of Dr. Asam

because Ellis started the rumor that Dr. Asam was incompetent when he knew she was not.

VI. ALABAMA STATE BAR INFRINGED ON THE CONSTITUTIONAL RIGHTS OF DR. ASAM AS TO PRIVACY AND CONFIDENTIALITY BY VIOLATING THEIR OWN Rule 30, of the Rules of Disciplinary Procedure, 1994 Alabama Rules of the Court since Asam was served in June 26, 1994, and to claim as the Alabama State Bar is pretending Asam comes under Rule 30, Rules of Disciplinary Procedure, 1995 Rules of the Court which were conveniently changed after Asam was served 5 formal complaints in 1994 is the Alabama State Bar trying to bend the law for Robert Norris, former general counsel of the Alabama State Bar. The point is when a procedural law of a state violates the constitutional rights of a citizen of the U.S., such procedural law should be void. See Standard Oil Co. v. Graves, Wash. 1919, 40 S Ct 320, 249 U.S. 389, 63 L Ed 662, which states,

While the Supreme Court follows the decision of the highest state court as to the meaning of a state statute which asserted to violate the federal Constitution, the name given to the statute is not conclusive, and it must be judge by its necessary effect, and if that is to violate the Constitution of the United States the law must be declared void.

By Robert Norris from the Alabama State bar faxing the order of disbarment in the violation of the Disciplinary Procedure Rule 30, 1994, 1995 Rule 30 Rules of Disc. P. is unconstitutional as to Asam who comes under the 1994 Rules of Disc. P. Notice numbers on front of petition 1994, not 1995 numbers.

The Honorable Supreme Court of the United States should accept jurisdiction as an appeal of the judicial errors of due process of the judicial courts below including the highest state court.The Supreme Court of Alabama "evaporating" and "altering" records of the court by deletion of Asam's answer(26-pages) to make it appear to the Justice Jones that because Asam filed no answer [but in reality did timely file a 26- page Answer] then the charges were deemed admitted. See Appendix A, Opinion, p A14.

In the alternative, the Honorable Supreme Court of the United States should grant the Writ of Certiorari so that Asam can write a Merits brief.

CONCLUSION

For the above reasons, this Honorable Supreme Court of the United States should accept Jurisdiction for appeal or in the alternative Writ of Certiorari should be granted.

Respectively submitted,

Julia McCain Lampkin Asam

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May 17, 1996

APPENDIX A

SUPREME COURT OF ALABAMA

OCTOBER TERM, 1995-96

1940912

Julia McCain Lampkin Asam

v.

Alabama State Bar

Appeal from Disciplinary Board,

Alabama State Bar

(ASB 92-254; ASB 94-177; ASB 93-476; ASB 93-378; ASB 93-379; ASB 93-488; ASB 94-176; ASB 94-175)

ON APPLICATION FOR REHEARING

Dated February 23, 1996

JONES, RETIRED JUSTICE.

The unpublished memorandum of November 3, 1995, is withdrawn and the following opinion is substituted therefore.

Julia McCain Lampkin Asam appeals from an order of the Alabama State Bar in a disciplinary proceeding that resulted in her disbarment. We affirm.

Based on grievances filed against Asam, the Alabama State Bar filed five formal complaints against Asam; those complaints contained 28 charges. Following a hearing before the Disciplinary Board of the Alabama State Bar ("the Board"), the Board found Asam guilty of 17 of the 28 charges against her, and, on each of the five complaints, the Board ordered Asam disbarred. The Board also imposed the following additional penalties:

"(a) The respondent lawyer will pay all sanctions imposed as attorney's fees by any court, federal or state, resulting from the following civil actions: Williams v. Capps Trailer Sales; Asam v. Judge Bernard Harwood; and Asam v. Vreeland and 20 Defendants (as last amended); and

"(b) ... Prior to filing a petition for reinstatement pursuant to Rule 28 of the Rules of Disciplinary Procedure, the respondent lawyer will:

"(1) Retake and pass the Alabama State Bar Examination and the professional responsibility examination; and

"(2)...Submit to an examination by a qualified medical expert, as the Disciplinary Board shall designate, to inquire into and report to the Disciplinary Board the mental competency of the respondent. The medical expert shall report his or her findings to the Disciplinary Board. The respondent shall bear the cost of the examination."

For clarity's sake, each complaint is discussed separately.

Complaint One -- ASB 92-254

Complaint One involved a civil action filed by Asam on behalf of Jessie Edward Williams. Williams was injured on the job in 1973 and, represented by counsel (nor Asam), settled a personal injury claim and a workers' compensation case with newly discovered evidence"; however, this Court, holding that the "newly discovered"

evidence had been generated during the discovery period of Williams's original lawsuit, affirmed the trial court's dismissal
of Williams's complaint. See Williams v. Capps Trailer Sales, Inc., 589 So. 2d 159 (Ala. 1991).

Thereafter, Asam filed an action "for Mr. Williams" in a circuit court seeking $5 million in damages, again claiming to have "newly discovered evidence." She sued all of the original defendants, as well as two insurance companies (false) any of the parties. The trial court dismissed the complaint and imposed sanctions against Asam. The Court of Civil Appeals affirmed and imposed additional sanctions against Asam. See Williams v. Capps Trailer Sales, Inc., 607 So. 2d 1272 (Ala. Civ. App. 1992). This Court denied certiorari review. Asam's separate appeal from the award of additional sanctions was resolved against her in Asam v. Capps Trailer Sales, Inc., 631 So. 2d 251 (Ala. Civ. App. 1993). This Court again denied certiorari review. Asam then filed an identical action on behalf of Williams in a federal district court -- again claiming "newly discovered evidence," but adding the State of Alabama as a defendant. The district court dismissed the complaint; the Court of Appeals for the Eleventh Circuit affirmed the dismissal; the United States Supreme Court denied certiorari review (Williams v. Capps Trailer Sales, Inc., 115 S. CT. 2580(1995)); and the Eleventh Circuit imposed sanctions against Asam. Over $32,000 in sanctions were imposed against Asam in those two

cases.

Complaint One contained nine charges against Asam: Charge I -- violation of DR 1-102(A)(5)[1]; Charge II -- violation of Rule of Professional Conduct 8.4(d)[2] Charge III -- violation of DR 7-102(A)(2[3] ; Charge IV -- violation of DR 7-102(a)(5[4] ; Charge V -- violation of Rule of Professional Conduct 1.15[5] ; Charge VI -- violation of Rule of Professional Conduct 3.1(a[6] ; Charge VII violation of Rule of Professional Conduct 3.3(a)(1)[7]; Charge VIII -- violation of Disciplinary Rule 1-102(A)(6)[8] ; Charge IX --

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1 "A lawyer shall not engage in conduct that is prejudicial to the administration of justice."

2 "It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice."

3 "In his representation of a client, a lawyer shall not knowingly advance a claim or defense that is unwarranted under existing law, except that hemay advance such claim or defense if it can be supported by good faith argument for an extension, modification, or reversal of existing law."

4 "In his representation of a client, a lawyer shall not knowingly make a false statement of law or fact."

5 A lawyer shal provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation."

violation of Rule of Professional Conduct 8.4(g).[9]

Asam was found guilty of Charges II,III,V, and VI, and not guilty of the remaining charges od Complaint One.

Complaint Two -- ASB 94-177

Complaint Two resulted from grievances filed with the State Bar regarding a lawsuit Asam had filed against Circuit Judge Bernard Harwood. According to Asam's complaint, Harwood, the incumbent judge and Asam's opponent in the 1992 rce for judge of the Tuscaloosa County Circuit Court, made libelous remarks about Asam during his campaign. During the discovery phase of that lawsuit, Asam's conduct included avoiding notice and service, and not cooperating with regard to deposition scheduling.

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6 "In his representation of a client, a lawyer shall not file a suit, assert a position, conduct a defense, delay a trial, or take other action on behalf of the lawyer's client when the lawyer know or when it is obvious that such action would serve merely to harass ormaliciously injure another.

7 "A lawyer shall not knowingly make a false statement of material fact or law to a tribunal."

8 A lawyer shall not engage in any other conduct that adverselyreflects on his fitness to practice law."

9 "It is professional misconduct for a lawyer to engage in any other conduct that adversely reflects on his fitness to practice law."

The circuit court granted Harwood's mo tion for summary judgment. Asam filed a post-judgment motion to alter,amend, or vacate judgment, alleging that the trial court's order contained false statements and that the trial judge had failed to read pleadings in the case. Asam's post-judgment motion was denied. This Court affirmed the summary judgment, without opinion. Asam filed an identical action against Harwood in a federal district court. The district court dismissed the complaint on res judicata grounds, and the Court of Appeals for the Eleventh Circuit affirmed the dismissal.

Complaint Two, ASB 94-177, contained five charges against Asam: Charge I -- violation of Rule of Professional conduct 8.4(d)[10]; Charge II -- violation of Rule of Professional Conduct 1.1[11]; Charge III -- violation of Rule of Professional Conduct 3.1(a)[12], Charge IV -- violation of Rule of Professional Conduct3.3(a)(1)[13] and Charge V -- violation of Rule of Professional Conduct 8.4(g)[14].

The Board found Asam guilty of Charges I,III,and V, and not guilty of the remaining charges.

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10 See footnote 2.

11 See footnote 5.

12 See footnote 6.

13 See footnote 7.

14 See footnote 9.

Complaint Three -- ASB 93-476, ASB-93-378, ASB-93-379, and ASB 93-488

Complaint Three also arose from Asam's 1992 campaign for circuit judge. Tuscaloosa lawyer Al Vreeland wrote to the lawyers of the 6th Judicial Circuit N "Open letter" in which he asked the lawyers (and voters) to support Judge Harwood and in which he expressed the opinion that Asam was "completely and hopelessly unqualified." (smear letter) Asam sued Vreeland; the trial court granted Vreeland's motion for summary judgment. Vreeland moved for sanctions,and, in hearing to determine reasonable attorney fees, the trial court heard testimony from several local lawyers. Therafter, Asam added as defendants those lawyers who had testified and Vreeland's secretary,[15] alleging a "conspiracy" against her.

The trial court dismissed Asam's complaint; made findings of fact and conclusions of law regarding Asam's conduct in that action; awarded monetary reimbursement from Asam to Vreeland and one of the co-defendents; and ordered the circuit court clerk to send copy of the orders in the case to the State Bar Disciplinary Commission. (Judge England was political opponent to Asam). Asam filed three appeals from the orders in that case; as to each appeal this Court affirmed.

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15 The secretary's part in the alleged conspiracy was typing and mailing Mr. Vreeland's "open letter."

Asam filed an identical action in federal district court against all the co-defendants she had sued in the state court action, seeking $10 million in damages. The district court dismissed the complaint and the Court of Appeals for the Eleventh Circuit affirmed the dismissal.

Based on the allegations Asam had made in her pro se lawsuits against Vreeland and his co-defendants, her conduct during the pendency of those actions, and the result in those actions, the Bar filed five charges aginst Asam in Complaint Three (ASB 93-476, -378, -379, AND -488): Charge I -- violation of Rule of Professional Conduct 8.4(d)[16]; Charge II -- violation of Rule of Professional Conduct 1.1[17]; Charge III -- violation of Rule of Professional Conduct 3.1(a)[18]; Charge IV -- violation of Rule of Professional Conduct 3.3(a)(1[19]; and Charge V -- violation of Rule of Professional Conduct 8.4(g).[20]

Asam was found guilty of Charges I, III, and V, and not guilty of the remaining charges in Complaint Three.

Complaint Four --ASB 94-176

Complaint Four involved Asam's filing a medical malpractice action on behalf of Ms. Mary

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16 See footnote 2.

17 See footnote 5.

18 See footnote 6.

19 See footnote 7.

20 See footnote 9.

H. Stokes. After Stokes had developed a post-operative infection in mid-1989, she consulted a lawyer in Selma about a possible medical malpractice claim. After 10 months, the Selma lawyer returned Ms. Stokes's file to her. Stokes consulted another lawyer in Selma, who referred her to lawyer in Birmingham. The Birmingham lawyer informed Stokes of the diffidulty of proving medical malpractice without the testimony of a medical expert and refused to take her case.

A friend of Stokes recommended that she see Asam. Asam agreed to represent Stokes for $1,000; however, Stokes signed a 50% contingent fee employment contract with Asam. That contract also contained the notation "$1,000 research in medical and legal non-refundable money to file lawsuit."

Asam filed a medical malparactice action for Stokes, but filed no documents with the court except Stoke's medical records. (false) The circuit court twice warned Asam that the defendants' motion for summary judgment would be granted unless Asam could provide expert medical testimony. Asam then tried to qualify herself as a medical expert in the case and filed an affidavit in which she purported to be a medical expert. (Asam has a Ph.D. in oncology). However, Asam's affidavit did not refute the affidavit of the defendant doctor. The trial court also pointed out that the articles authored by Asam and offered as proof of her expertise were over

30 years old (all articles were not 30 years old, book Model Lymphomas dated 1976) and that Asam's claimed expertise was in a field not related to the defendants' specialty of obstetrics surgery. (false, about doctor was in field of oncology since case about a mass).

The trial court granted the defendants' motion for summary judgment; it later denied Asam's post-judgment motion to alter, amend, or vacate the summary judgment. Asam billed Stokes for total of $4,168. On appeal, this Court affirmed the summary judgment without opinion. 622 So. 2d 939 (Ala. 1993). Then, without Stokes's knowledge, Asam appealed this Court's decision ro rhw United States Supreme Court. That Court denied certiorari review. Stokes v. Hatch, 114 S. Ct 1063 (1994).

Complaint Four (ASB 94-176) contained five charges against Asam: Charge I -- violation of Rule of Professional Conduct 8.4(d)[21]; Charge II -- violation of Rule of Professional Conduct 1.1[22]; Charge III -- violation of Rule of Professional Conduct 3.1(a)[23]; Charge IV -- violation of Rule of Professional Conduct 3.3(a)(1)[24]; and Charge V -- violation of Rule of Professional Conduct 8.4(g).[25]

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21 See footnote 2.

22 See footnote 5.

23 See footnote 6.

24 See footnote 7.

25 See footnote 9.

The Board found Asam guilty of Charges I, II, III, and IV, and not guilty of Charge V.

Complaint Five -- ASB 94-175

Complaint Five resulted from Asam's filing two wrongful death actions[26] on behalf of Johnny H. Waters and Joseph Hugh Waters, based on the death of the plaintiffs' wife and mother, respectivly. The defendants moved to dismiss, alleging that the complaints were null and void 1)because a wrongful death action must be brought by the deceased's personal representative acting in that capacity, (false as to one case) and 2) because the applicable statutory limitations period had expired. (false) The circuit court granted the motions to dismiss, and this Court affirmed the dismissals. Waters v. University of Alabama Hospitals, 591 So. 2d 450 (Ala. 1991).[27] Asam filed an action in a federal district court, making identical claims. The complaint was dismissed. The Court of Appeals for the Eleventh Circuit affirmed the dismissal, and the United States Supreme Court denied certiorari review. Waters v. University of Alabama at Birmingham Medical Center, 114 S. Ct. 1192 (1994).

Complaint Five (ASB 94-175) stated four charges against Asam based on her actions in regard to those state and federal lawsuits: Charge I -- violation of Rule of Professional Conduct 8.4(d[28]; Charge II -- violation of Rule

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26 One complaint named three physicians as defendants; the other complaint named as

of Professional Conduct 1.1[29]; Charge III -- violation of Rule of Professional Conduct 3.1(a)[30]; and Charge IV -- violation of Rule of Professional Conduct 8.4(g)[31].

The Board found Asam guilty of Charges I, II, and III, and not guilty of Charge IV.

In her brief to this Court, Asam states multiple issues involving numerous allegations of error on the part of the Disciplinary Board. Asam has also filed with this Court motion to

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defendants "The University of Alabama Birmingham Medical Center; The University of Alabama Hospitals; Dr. Charles McCallum and Dr. L. Clark Taylor, Jr., Administrators, University of Alabama Hospitals."

27 In the notice of appeal from the judgment for University of Alabama Hospitals, Mrs. Asam stated that the plaintiff was appealing only the judgment for "UAB Hospitals." However, Mrs. Asam's brief on behalf of the plaintiffs argued against the judgment for the other defendants in the case not against judgment for University of Alabama Hospitals. In affirming, this Court noted: We will not address arguments concerning a judgment not appealed from; furthermore, "when the appellant fails to invite the appellate court's review of any issues raised from the courtbelow, the trial court's judgment is dueto be affirmed." [Facts were twisted;right defendants appealed; Justice was a Kennedy and opposing lawyer was a Kennedy]. 591 So. 2d at 451.

28 See footnote 2.

29 See footnote 5.

supplement the record on appeal with documents that she says this Court must order the Disciplinary Board to produce. Because our disposition of the issues on appeal relates directly to the merits of asam's motion to supplement the record (responded to 12 out of 30 isues) we will include our consideration of her motion as part of our analysis and disposition of the merits of the appeal.

I.

Asam contends that she was denied due process of law because, she says she was not properly served with notice of the disciplinary proceedings. The evidence is to the contrary.

The required procedure for investigating alleged misconduct by a member of the Alabama State Bar and for conducting a hearing based on the investigation is set out in the Alabama Rules of Disciplinary Procedure.

Rule 12(a), Ala. R. Disc. P., requires that the general counsel of the Alabama State Bar investigate complaints of alleged lawyer misconduct and report to the Alabama State Bar's Disciplinary Commission the results of the investigation and the general counsel's decision as to whether formal charges should be filed against the lawyer. In Asam's case, following his report to the Disciplinary Commission, and pursuant to Rule 12(e), Ala. R. Disc. P., the

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30 See footnote 6.

31 See footnote 9.

general counsel filed the five complaints with the secretary of the Alabama State Bar.

Also pursuant to Rule 12(e), the secretary of the State Bar signed the five complaints against Asam and five related summonses on June 23, 1994. The five summonses and complaints were received by the Tuscaloosa County Sheriff's Department on June 24, 1994, and were served on June 26, 1994.

Rule 12(e)(1), Ala. R. Disc. P., gives the respondent lawyer 28 days after service of the complaints to file an answer with the general counsel and the Disciplinary Board. Rule 12(e)(1) goes on to provide:

"If the respondent fails to answer, the charges shall be deemed admitted; provided, however, that if such failure to file was attributable to mistake, inadvertence, surprise, or excusable neglect, a respondent who fails to answer within the time provided may obtain permission of the Chairman to file an answer."

The record reveals that Asam did not file an answer during the 28-day period following June 26, 1994, (false, timely filed July 20, 1994, since "evaporated" from record but in index p. 1421 as R-1 in record) and did not request permission of the chairman to file an out-of-time answer. Asam does not contend that an answer or response was filed (false) in regard to any of the five complaints.

Pursuant to Rule 12(3)(3), Ala. R. Disc. P., and Rule 5, Ala.R. Civ. P., the first notices of

the formal hearing on the five complaints,set for February 23, 1995, were mailed by the Bar to Asam at her home address and at her office address (closed) -- both by regular first class mail and by certified mail -- on January 20, 2995. The regular mail was not returned; however, the certified mail was returned from both addresses, on February 8 and February 24, as "unclaimed." On February 7, notice was sent by Airborne Express; it was delibered to asam's residence on February 8, 1995. Additionally, the State Bar hired a process server who, after several attempts, personally served the notice on Asam's husband at their home on February 8, 1995. (Ms. Asam was not served).

The record makes it clear that, despite her assertions to the contrary, Asam had sufficient notice of the disciplinary hearing involving the complaints against her, (false) and the record makes it clear that her conduct showed a pattern of avoiding service of process (false out of town). See Board of Commissioners of the Alabama State Bar v. Tarver, 293 Ala. 343, 302 So. 2d 856 (1974) (and the authorities cited therein).

II.

Asam next argues that her right to due process was violated because, she says, she was not notified that the disciplinary hearing would also be a "surprise sanity hearing." We find no merit in this argument.

Asam's contention that she was subjected to a "sanity hearing" at the February 23, 1995,

disciplinary hearing is based, in part, on the discussion that occurred when she attempted to obtain a continuance of the hearing. As one of the grounds for her motion for a continuance, Asam stated that she had been physically disabled by an automobile accident in 1994 and that, as a result, she was in pain, was involved in rehabilitation therapy, and had had to stop the active practice of law at her office.

Based on these assertions, the Board gave Asam the option of postponing the hearing if she chose to be placed on "physical disability status." The Board included in this option the offer to appoint a lawyer to manage Asam's cases and serve her clients during her term of "disability." Asam refused. The record is totally devoid of any mention of Asam's mental competence during the discussion of her motion to postpone the hearing.

Asam also claims that her due process rights were violated by what she calls the "sanity hearing" that she says gave rise to that portion of the Board's disbarment order requiring that, "prior to filing a petition for reinstatement," Asam must be examined by a qualified medical expert, who is "to inquire into and report to the Disciplinary Board the mental competence of the respondent."

We have read the transcript of the disciplinary proceedings and the various

documents that gave rise to the five complaints against Asam. The record makes it clear that, while the disciplinary proceedings was not a "surprise sanity hearing," (false) the Board acted properly (false) in adding to it order of disbarment the requirement concerning Asam's mental competence. Further, the Board's order fully complies with Rule 8, Ala. R. Disc. P., which allows sanctions and remedies "consistent with the purposes of lawyer discipline," in addition to the specific sanctions set out in that rule.

III.

The third error alleged by Asam is that the Bar wrongfully failed to produce certain documents relating to the charges against her. The documents to which Asam refers are 1) the "original grievances" filed against her with the State Bar; and 2) the entire file in ASB-177. Asam claims that, without these documents, she was obliged to proceed in the disciplinary hearing not knowing what the charges were against her. This argument has no merit (false, ASB 94-177 never produced and charges made).

On June 28, 1994, Asam personally appeared in the office of the general counsel in Montgomery to demand copies of the grievances filed against her (Asam had been served with the five summonses and complaints on June 26 (but not original complaints). In a written response to this demand, General Counsel Robert W. Norris

informed Asam that the five complaints with which she had been served contained the essence of every grievance (see R-9, exhibits also missing from record formal complaints by Norris showed no relationship to original grievance complaints). In this same written response, Norris suggested that Asam focus her attention on the serious charges contained in the five complaiants and that Asam take steps to obtain a lawyer to represent her during the disciplinary proceedings.

Asam made no further attempt to discover documents or other evidence in this proceeding. However, on July 8, 1994, Asam sued the general counsel and others in a federal district court, alleging that they had violated her right to have copies of the original grievances. The district court granted the defendants' motion for summary judgment, and then denied Asam's motion to alter, amend, or vacate its judgment, holding:

"This is one of those 'kitchen-sink' cases in which (Asam) has included almost every claim conceivable and sued almost everyone within reach.

Because it appeared fromthe outset that many, if not all, of Asam's claims might be meritless, the court immediately enjoined discovery so as not to subject the defendants to unnecessary, costly, and harassing litigation."

Asam v. Alabama State Bar, Ms. 94-T-859-N, March

1, 1995 M.D.Ala. 1995 (95-6133 still in U.S. Court of Appeals, Eleventh Circuit).

As the State bar points out, Asam erroneously attempted to use the order of the federal district court enjoining further discovery in the federal case as her excuse for conducting no discovery (false wrote Motion to Compel original grievance 5 complaints but denied) in the disciplinary proceedings pending against her before the Disciplinary Board of the Alabama State bar. However, despite Asam's total failure to avail herself of the proper means of discovery, (false) as provided by the alabama Rules of Civil Procedure, at the hearing on February 23, the chairman of the Disciplinary Board made the following ruling during the discussion of Asam's motion for a continuance:

"THE CHAIRMAN: Let me say this. We will put this one to bed right now. You have been advised by this Board on more than one occasion already this morning that you failed to follow the proper procedure to obtain the grievnces...However, notwithstanding your failure to comply with the Rules of of Civil Procedure, I am going to order Gen. Norris to provide the investigative files, unless he has an objection based on confidentiality and privilege, to produce any and all investigative files (he has) on Mrs. Asam within 24 hours.

"GEN. NORRIS; Yes. We can do that, Madam Chairman....

"THE CHAIRMAN: Mrs. Asam, I have not made a

finding that you are entitled to (the documents) before we start the hearing, because you failed to properly request them. I am making a finding that you are going to get them now for whatever purpose they will serve you. You have no special entitlement to those records without a proper request -- period. ...

"THE CHAIRMAN: It is this Board's decision that Mrs. Asam has absolutely, totally failed to comply with the minimum with reference to the rules of Civil Procedure to obtain her documents. (false) And I agree with (Gen. Norris) that they are irrelevant to this proceeding."

There is no evidence to support Asam's argument that she was forced to proceed with the disciplinary hering without full knowledge of the charges against her (false 94-177 never produced). Further quoting with approval In re Sullivan, 283 Ala. 514, 219 So. 2d 346 (1969), this Court held in Board of Comm'rs of the Alabama State Bar v. Tarver, 293 Ala. 343,302 So. 2d 856 (1974):

"An attorney must be accorded due process in disbarment and disciplinary proceedings, and the requiremment of due process are met when the attorney is served with charges or specifications reasonably informing him of the charges against him and the attorney is thereafter accorded a hearing with an opportunity to defend."

293 Ala. at 346-47, 302 So. 2d at 858-59 (quoting earlier cases).

It is clear that asam was served with complaints framed to specify the charges against her (but not related to original grievance complaints) and that she was given a hearing with the opportunity to defend (but a surprise sanity hearing with no appointed attorney, no medical expert and no notice of sanity hearing). We find no violation of Asam's right to due process with regard to the documents (false) she claims were withheld from her.

IV.

Asam's fourth contention of error is that the failure of Chairman Devereaux and General Counsel Robert Norris to recuse in Asam's disciplinary hearing created a conflict of interest and, therefore, violated Asam's due process. We disagree.

Asam bases her "conflict of interest" argument on the claim that her pro se lawsuits against Ms. Devereaux were pending in a state circuit court and that her lawsuits against Gen. Norris were pending in a federal district court during the pendency of her disciplinary proceedings -- despite the fact that judgments in favor of the defendants and against Asam had been entered in both cases (false Devereaux case was just recently filed in state court and Norris case in federal court still on appeal).

The standard for determining whether a lawyer should decline to represent a defendant in a criminal action (not applicable, not criminal case) is whether there was an actual, rather than

a possible, conflict of interest and whether the conflict would adversely affect the performance of the lawyer in representing the client. See Cuyler v. Sullivan, 446 U.S. 335 (1980).

This is not an appeal from a criminal proceeding; however, we conclude that, in order to show that in this disciplinary hearing Ms. Devereaux and Gen. Norris should have recused, Asam must prove that there was an actual conflict of interest (she proved both were sued) on the part of Ms. Devereaux and Gen. Norris and that that conflict adversely affected their impartiality or their performance (like guilty before hearing). Asam has produced no proof of a conflict of interest, nor has she shown any misconduct on the part of Ms. Devereaux or Gen. Norris. Ms. Devereaux and Gen. Norris correctly refused to recuse.

V.

Asam's fifth contention of error is that her right to free speech was violated because, she contends, she was disciplined in connection with lawsuits she had filed in two "political" cases -- the lawsuits arising from Asam's campaign for a judicial office. There is no merit to this argument.

In complaints ASB 94-177, 93-476, 93-488, 93-378 and 93-379, Asam was found guilty of the charges of engaging in conduct prejudicial to the administration of justice; engaging in conduct that adversely reflected on her fitness to practice law; aand filing a lawsuit to "harass or

maliciously injure nother." (all three a figment of Norris' imagination). While the right of free Speech protects political statements made in the context of campaign rhetoric, it does not provide a shelter for a lawyer's abuse of the judicial system as a tool for harassment when his or her political aspirations are thwarted; (there was no abuse of the judicial system). The disciplinary hearing and the resulting discipline did not violate (false) Asam's right to free speech.

VI.

Asam's sixth contention of error charges that Gen. Norris, acting as general counsel for the State Bar, violated Rule 30, Ala. R. Disc. P., when, following Asam's disciplinary hearing, he procided information regarding Asam's disbarment to a newspaper, The Tuscloosa News.

Before January 1, 1995, Rule 30(a), Ala. R. disc. P. required that a decision by the Disciplinary Board to impose public discipline upon a lawyer remain confidential until the time for appealing the Board/s decision had expired or until the lawyer's appeal had been finally decided by this Court. However, by an order dated October 24, 2994, with an effective date of January 1, 1995, this Court amended Rule 30, so that at the time of Asam's disciplinary hearing, Rule 30(a) provided:

"(a) Proceedings That Are Confidential:

"Except as provided by setion (b) [regarding

"Proceedings That Are Not Confidential"], all disciplinary proceedings of the Alabama State Bar shall remain confidential until: (1) The respondent pleads guilty...; or (2) The Disciplinary Board or Disciplinary Commission makes a finding of guilty. (1994 rules apply to Asam not 1995 rules).

"The Disciplinary Commission may, however, by majority vote, give any disciplinary proceeding, or any part thereof, the continuing status of confidentiality... Continued confidentiality of a proceeding shall be invoked only in those cases where the particular timing or other circumstances are such that the revelation of the matter would, in all probability, confer an unwarranted benefit on another party, or caue to the respondent a detriment far greater than is warranted by the seriousness of the complaint." (damaged clients with abrupt notice).

Given the seriousness of the charges contained in the complaints (false charges) against Asam, we find no compelling reason for the Disciplinary Board to order "continued confidentiality" of the proceedings involving Asm. We hold, therefore, that Gen. Norris did not violate Rule 30, Ala. r. Disc. P., when he informed The Tuscaloosa News of Asam's disbarment.

VII.

Asam contends that Chairman Devereaux committed reversible error when she refused

topermit Asam to call General Counsel Norris as a witness to testify to what Asam alleged was a conspiracy by gen. Norris and others to fraudulently divest Asam of her right to practice law, (discovered Norris, himself, involved by letter by Norris to a lawyer that was produced at the hearing Feb. 23, 1995 mixed in with the production that Norris was ordered to produce the original grievance complaints). Asam had not submitted Gen. Norris's name to the Board as a prospective witness and, (not known before the hearing) when asked at the hearing, she submitted no proof to support her allegation that Gen. Norris was a "necessary" witness. (false) Ms. Devereaux acted within her discretion in denying Asam's request. We find no error in this regard. See C. Gamble, McElroy's Alabama Evidence Section 94.05(3) (4th ws., 1991); and Maund v. State, 254 Ala. 452, 48 So. 2d 553 (1950).

VIII.

The eighth error alleged by Asam is that a member of the Disciplinary Board panel, lawyer Wade Baxley, was biased against her. Asam contends that Baxley should have been stricken as a member of the panel. We disagree.

Asam bases her allegations regarding Baxley on what she describes as Baxley's personal attack against her during the hearing. The transcript reveals no such attack (false). Baxley's remarks that Asam complains of were made immediately after an extended dission of Asam's motion to

postpone the hearing and to be allowed access to the documents she alleged had been wrongfully withheld:

"Mrs. Asam: ... I heard the judge [Montgomery Circuit Judge Charles Price] talking to you. I was right there in the room when he talked to you this morning. He thought that you might be able to grant the continuance without all these stipulations.[32]

"THE CHAIRMAN: Well--

"MRS. ASAM: Because he just received it [her motion todelay the disciplinary hearing] just then. He didn't have time to goout nd write it.

"THE CHAIRMAN: I understand that.

"MRS. ASAM: Which did have it written up on one procedure, which I sent to you, even though you haven't -- that I know of -- been served yet. I sent you a copy of the motion since the lawsuit was filed. And it's nothing against you personally about having filed a lawsuit.

"THE CHAIRMAN: I know that. That's neither here nor there. I know Judge Price asked us if we would consider that, and we have.

"MRS. ASAM: He asked that you talk to me before I came in here. But you people wanted --

"THE CHAIRMAN: Well, see, I can't. I'm sorry, Mrs. Asam, but I can't do that. And Judge Price does not govern our procedure any more than we

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32 Asam had attempted to have Judge Price order a delay in her disciplinary hearing.

govern his.

"MRS. ASAM: Yes, ma'am. I understand that at this time. But it is the court that I would go in next, whether it's him or not [an apparent reference to the Montgomery Circuit court].

"GENERAL NORRIS: Excuse me. As a point of order, that's not the court you would go in next. Appeals from this hearing go directly to the Supreme Court.

"MRS. ASAM: Well, then I'll go to both of them then.

"GENERAL NORRIS: The circuit court has absolutely no jurisdiction over the disciplinary proceedings.

"MRS. ASAM: Is this an administrative proceeding?

"THE CHAIRMAN: This is a quaasi-judicial proceeding.

"MRS. ASAM: I know it's administrative.

"GENERAL NORRIS: It's neither civil nor criminal. It is a judicial proceeding.

"MRS. ASAM; I understand that. But it is administrative.

"GENERAL NORRIS: It is judicial.

"THE CHAIRMAN: Judicial.

"MRS. ASAM: Well, you're claiming in the federal case that you are an arm of the state.[33]

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33 Asam had filed an action in a federal district court against the Alabama State Bar, its general counsel, its executive secretary, its president and president-elect, several lawyers, and

"THE CHAIRMAN: I think this debate is a little bit --

"PANEL MEMBER BAXLEY: Can I say something? Mrs. Asam, just for the record, I am somewhat concerned. I mean, you hold yourself out to be an attorney, nd you are licensed by the Bar Association to be an attorney.

"And it concerns me on the lack of knowledge about discovery procedures, about procedures of this Board. I think you need an attorney in the worst sort of way to repreent you in this hearing, because you don't seem to know what' going on.[34] [Bias and no attorney appointed].

"MRS. ASAM: I'm not making an agument with you. The point is there was an intermission here with the federal preempts state or whatever it is." R. 1519-24.

The remarks made by Panel Member Baxley, taken in context, appear to be an expression of

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circuit judge, alleging a variety of violations of her constitutionalrights. [Still in the U.S. Court of Appeals, Eleventh Circuit, 95-6133].

34 The record reflects that this concern was shared by Chairman Devereaux who, during the discussion of Asm's motion for a continuance and the Board's offer of the option that Asam accept "disabled inactive status," stated: "We also want to advise you that you are entitled to have an attorney represent you in this proceeding as a disabled inactive status attorney. And, if you cannot afford one or do not have one, wecan have one appointed to represent you in that regard."

concern for Asam's rights as an accused and for the integrity of the entire disciplinary proceeding. The record indicates no evidence of bias (false) on the part of Baxley. Further, while asam did object. she did not ask for any action to be taken with regard to Baxley -- she simply stated her opinion that Baxley was biased. Asam's argument on this issue, therefore, must fail.

IX.

Asam argues that Chariman Devereaux erred in allowing a particular witness to testify; she argues that his testimony was hearsay. Specifically, when the witness testified regarding a hearing in one of the lawsuits involving Asam, (Asam v. Vreeland) Asam stated. "As far as I remember, you weren't even there." Chairman Devereaux asked the witness (Brian Brinyark clerk at time of hearing) if he had been at the hearing,and the witness said that he had been. Asam made no further hearsay objection to the witness's testimony following his assertion that he had attended the hearing in question. There is nothing for this Court to review [false, this is witness proving surprise sanity hearing] and there is no merit to this issue.

X.

Asam next argues that the Alabama State Bar failed to timely prosecute Complaint One (ASB 92-254). Rule 31, Ala. R. Disc. P., provides that disciplinary proceedings 'must be instituted by

the filing of formal charges within six (6) years from the ... the offense." The lawsuit that gave rise to Complaint One was filed by Asam on March 12, 1990. Formal charges against Asam based on that lawsuit were filed on Asam on June 26, 1994 (part of this 92-254 was never produced to Asam). There is no merit tothis issue.

XI.

Asam also claims (1) that the State Bar failed to timely produce a list of witnesses who were expectd to testify against her, and (2) that the Bar failed to call certain other witnesses to testify and that this failure to call them resulted in Asam's being unable to confront them.

As to Asam's claim that the State Bar failed to timely produce a list of witnesses, the record shows that the State Bar's list of witnesses was provided to Chairman Devereaux by a facsimile transmission on February 20, 1995. The list was also mailed to Asam, although she had not requested that she be notified of the witnesses who would be called by the State Bar and although Chairman Devereaux had not ordered the parties to notify each other of their prospective witnesses.

As to Asam's claim that she was denied the right to confront the witnesses against her, we first note that Asam's "list" of witnesses, served on the Chairman on February 19, 1995, stated that Asam intended to cll the witnesses that the State Bar called. Because the State Bar did not call every witness on its list, Asamclaims that her right to confrontation was

denied. We disagree.

Asam was given the opportunity to examine each witness called by the State Bar in the disciplinaryproceeeding. It is the evidence given by these testifyng witnesses that was considered by the Board; therefore, Asam was afforded her full right to confront each witness who actually testified. There is no requirement that the State Bar call a particular witness from a list of possible witnesses. Futhermore, Asam made no attempt to call a witness on her behalf. There is no error with regard to this issue.

XII.

Asam claims that she had to appear before an "all male disciplinary panel" and that the makeup of the panel resulted in gender discrimination against her, and she claims that the penalties assessed against her result in age discrimination because she cannot apply for reinstatement as a lawyer until she reaches age 69.

Pursuant to Rule 4(a)(1), Ala. R. Disc. P., the five members of the Disciplinary Board are elected by the Board of Bar Commissioners. Eulw 4(a)(1) gives the chairman of the Disciplinary Board the authority to appoint temporary members of the Board from the roster of Bar commissioners so as to provide a full five-member panel to hear a particular matter before the Board. (only 4 present). The membership of the Board for the proceeding involving asam was obtained by following the Rules of Disciplinary Procedure,

and we find no evidence in the record of any gender-based discriminatory conduct toward Asm. Furthe, although Asam categorizes the Board as an "all male panel." the chairman of the Board was a woman.

Similarly, Asam's contention of age discrimination is not supported by the evidence. Rule 28(b), Ala. r. Disc. P., clearly provides that, following disbarment, a lawyer may not apply for reinstatement until the expiration of five years from the date of disbrment. The rule applies to all disbarments and does not discriminate against a disbarred lawyer because of the lawyer's age at the time of disbarment. Asam's allegations of gender and age discrimination are without merit.

The Holding

The standard of review applicable to an appeal from an order of the Disciplinary Board has been stated by this Court in numerous decisions:

"Under the present rules of disciplinary enforcement, where the members of the Disciplinary Board hear the evidence and observe the demeanor of the witnesses, the Supreme Court, on review, will presume that the Board's decision on the facts is correct; and the disciplinary order will be affirmed unless the decision on the facts is unsupported by clear and convincing evidence, or the misapplies the law to the facts."

Norris v. Alabama State Bar, 582 So. 2d 1034 (Ala. 1991) (and see the cases cited therein).

Applying this standard, we hold that the decision of the Disciplinary Board of the Alabama state Bar was supported by clear and convincing evidence. Having found no error in the proceeding, we affirm the judgment of the Disciplinary Board in regard to all of the five complaints filed against Julia McCain Lampkin Asam.

During the pendency of this appeal, Asam filed a "motion to supplement the record on appeal of [ASB] 92-254 et al. because Alabama State Bar, Mr. Robert Norris should have given [certain documents] to Dr. Asm when he sent his false formal charges based on no probable cause." Without listing them, we note that all of the documents Asam says "are to be produced" fall into one of two categories: (1) documents requested at the disciplinry hearing that were provided to Asamor that were denied to her because she already had them; and (2) documents requested for the first time on appeal and, therefore, not contained in the record of the disciplinary proceeding. Therefore, Asam's motion to supplement the record on appeal is denied.

This opinion was prepared by retired Justice Richard L. Jones, sitting a Justice of this Court pursuant to Section 12-18-10(e), Ala. Code 1975.

APPLICATION GRANTED; MEMORANDUM WITHDRAWN; OPINION SUBSTITUTED; MOTION TO SUPPLEMENT THE RECORD ON APPEAL DENIED; AFFIRMED.

Hooper, C.J., and Maddox, Shores, Houston, Kennedy, Ingram, Cook, and Butts, JJ, concur.

APPENDIX B

STATE OF ALABAMA ------JUDICIAL DEPARTMENT
SUPREME COURT OF ALABAMA
OCTOBER TERM, 1995-96

1940912

Julia McCain Lampkin Asam v. Alabama State Bar, Appeal from Disciplinary Board, Alabama State Bar (ASB 92-254; ASB 94-177; ASB 93-476; ASB-378; ASB-379; ASB 93-488; ASB 94-176; ASB 94-175) PER CURIAM.

AFFIRMED. NO OPINION.

See Rule 53(a)(1) and (a)(2)(F), Ala. R. App. P.

Maddox, Almon, Houston, Cook and Butts, JJ. concur.

Dated November 3, 1995.

APPENDIX C

IN THE SUPREME COURT OF ALABAMA
MARCH 28, 1996

1940912

Julia McCain Lampkin Asam

v.

Alabama State Bar

(ASB 92-254; ASB 94-177, ASB 93-476; ASB 93-378; ASB 93-379; ASB 93-488; ASB 94-176; ASB 94-175)

ORDER

it is ORDERED by the Supreme Court of Alabma, that the name of Julia McCain Lmpkin Asam be stricken from the Rollof Attorneys duly

licensed to practice law in the Stateof Alabama, and that Julia McCain Lampkin Asam be, and she is hereby, disbarred and excluded from the practice of law in the State of Alabama effective 12:01 a.m., March 28, 1996.

Hooper, C.J., and Maddox, Shores, Houston, Kennedy, Ingram, Cook, and Butts, JJ. concur.

Witness my hand this 29th day of Mar, 1996.

s/ Robert G. Esdale

Clerk, Supreme Court of Alabama

APPENDIX D

BEFORE THE DISCIPINARY BOARD OF THE ALABAMA STATE BAR

IN THE MATTER OF JULIA MCCAIN LAMPKIN ASAM AN ATTORNEY AT LAW IN THE STATE OF ALABAMA

CASE NUMBERS

(ASB 92-254; ASB 94-177; ASB 93-476; ASB 93-378; ASB 93-379; ASB 93-488; ASB 94-176; ASB -175)

FINDINGS AND ORDER OF DISBARMENT

The Disciplinary Board of the Alabama State Bar, Panel II, having met on February 23,24, 1995, in Montgomery, Alabama to consider formal charges, numbered as above, filed against the respondent, Julia McCain Lampkin Asam, and having heard and considered all of the evidence presented by the Alabama State Bar and the respondent lawyer, who appeared pro se, finds the respondent GUILTY of Complaint One [Case no. ASB 92-254], Charges II, III< V and VI; Complaint Two

[Case No. ASB 94-Case Nos. AS 177], Charges I, III and V; Complaint Three [Case Nos. 93-476, 93-378,93-379 and 93-488], Charges I,III and V; Complaint Four [Case ASB 94-176], Charges I,II and III and IV; Complaint Five [Case no. ASB 94-175], Charges I,II and III; and NOT GUILTY of Complaint One [Case No. 92-254], Charges I, IV, VII, VIII and IX; Complaint Two [Case No. 94-177], Charges II and IV; Complaint Three [Case Nos. ASB 93-476, 93-378, 93-379 and 93-488], Charges II and IV; Complaint Four [Case No.ASB 94-176], Charge V; Complaint Five [Case no. ASB 94-175], Charge Iv, and determines that the respondent lawyer be disciplined as follows: Complaint One [Case No. 92-254] -DISBARMENT; Complaint Two [Case No. 94-177] - DISBARMENT; Complaint Three [Case Nos. 93-476, 93-378, 93-379 and 93-488] - DISBARMENT; Complaint Four [Case no. ASB 94-176] - DISBARMENT; Complaint Five [Case No. ASB 94-175] DISBARMENT and as to Complaints One, Two, Three, Four and Five, case numbers as above, the following additional sanctions are imposed pursuant to Rule 8 (h) of the Rules of Disciplinary Procedure:

(a) The respondent lawyer will pay all sanctions imposed as attorney's fees by any court, federal or state, resulting from the following civil actions: Jessie Edward Williams v. Capps Trailer Sales et al; Julia McCain Lampkin Asam v. Judge Bernard Harwood and Julia McCain Lampkin Asam v. Al L. Vreeland and Defendants 1-10, as later amended; and

(b) That priot to filing a petition for reinstatement pursuant to Rule 28 of the Rules of Disciplinary Procedure, the respondent lawyer will:

(1) Retake and pass the Alabama State bar examination and the professional responsibility examination and

(2) Shall submit to an examination by a qualified medical expert, as the Disciplinary Board shall designate, to inquire into and report to the Disciplinary board the mental competency of the respondent. The medical expert shall report his or her findings to the Disciplinary Board. The respondent shall bear the cost of the examination.

NOW THEREFORE, IT IS ordred that the respondent lawyer, julia McCain Lampkin Asam be DISBARRED and that she comply with the additional sanctions as above described.

DONE AND ORDERED this the 27th day of February, 1995.

s/Wanda D. Devereaux, Chairman
Disciplinary Board Panel II
Alabama State Bar
Post Office Box 103
Montgomery, Alabama 36101-0103
Telephone (205) 262-6801

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of Jurisdiction or in Alternative, Petition for Writ of Certiorari was sent to Mr. Anthony McLain, General Counsel, Alabama State Bar, P.O. Box 671. Montgomery Alabama 36101 this 17 day of May 1996.

Julie Adam